

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

CRIMINAL MINUTES – JURY TRIAL
Day 16

Case No.: 4:18CR00000-001

Date: 11/8/2019

Defendant: Marcus Jay Davis, custody

Counsel: Tony Anderson, Melissa
Friedman, Bev Davis - CJA

PRESENT: JUDGE: Michael F. Urbanski, CUSDJ
TIME IN COURT: 9:10-10:15; 10:55-12:45 2h 55m
Deputy Clerk: Kristin Ayersman
Court Reporter: Judy Webb
U. S. Attorney: Ron Huber, Heather Carlton, Rachel Swartz, Michael
Baudinet
USPO: none
Case Agent: Devin Taylor, FBI TFO
Interpreter: none

LIST OF WITNESSES

GOVERNMENT	DEFENDANT
1. Pleshette Bowens 2. Scott McVeigh, Prince George's County Maryland Police Department	1.

PROCEEDINGS:

- Government presents evidence. Ms. Bowens, sworn. No cross. Court questions witness. Redirect. Witness excused. US has a stipulation to read into record – US 2129. US 331 stipulated. US 2128 stipulated, read into record. Mr. McVeigh, sworn. No cross, witness excused. Jury recessed 10:14. Recess 10:15 Reconvene 10:55 Defense addresses court re going forward today. Court consulted with counsel re schedule at sidebar and restates plan on record.
- Government rests.
- Out of the presence of the jury - Defendant renews Motion for Judgment of Acquittal. US responds to issues the court focused on. Court overrules and takes under advisement portions of Rule 29 motion, as stated on record.

- Out of the presence of the jury - Court addresses Defendant re his right to remain silent and not to testify in his case – dft has decided not to testify after consultation with counsel. Court addresses defense counsel re consultation and best interest of client. Court finds this to be a knowing and voluntary decision by defendant.
- Defendant rests in presence of jury.
- No rebuttle evidence.
- Court releases jury, to return 11/11 at 9am, for charge, closing argument and deliberation. Four alternates will be released at that time. Court admonishes jury. Jury excused 11:40.
- Charge conference, objections to Jury Instructions by U.S.A and Defendant.
- Defendant remanded to custody.

Additional Information:

Court rules on defendant's motion to dismiss superseding indictment re GJ testimony, as stated on record. Court is constrained to enter an order dismissing Ct 10s, opinion forthcoming.